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In re Application of	:	
JEAN RENE CARTIER (deceased)	:	DECISION ON
Application No.: 09/937,103	:	
PCT No.: PCT/FR00/00730	:	REQUEST
Int. Filing Date: 23 March 2000	:	
Priority Date: 23 March 1999	:	UNDER 37 CFR 1.42
Attorney Docket no.: 01-1081	:	
For: USE OF TREHALOSE FOR STABILISING	:	
A LIQUID VACCINE	:	

This is a decision on a renewed submission under 37 CFR 1.42, filed in the United States Patent and Trademark Office (USPTO) on 05 July 2002, in response to a 01 November 2001 Notification of Missing Requirements.

### **BACKGROUND**

On 18 September 2001, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter were, *inter alia*, the requisite basic national fee and a declaration and power of attorney signed by first named inventor Sandrine Lentsch Graf.

In response to the Notification of Missing Requirements mailed on 01 November 2001, and to satisfy the requirement that an oath or declaration of all inventors be furnished, applicant filed a declaration on 08 February 2002 that was signed by an unidentified signatory for deceased inventor Jean Rene Cartier and a copy of what appears to be a notarized French language certificate of inheritance, without English translation. The submission was treated as a request for status under 37 CFR 1.42.

On 30 April 2002, applicant's request for status under 37 CFR 1.42 was dismissed on the grounds that the declaration submitted on 08 February 2002 was executed by an unidentified signatory on behalf of the deceased inventor, without identifying his/her relationship to the deceased inventor, that is, the legal representative or sole heir of Jean Rene Cartier.

On 05 July 2002, a renewed submission under 37 CFR 1.42 was filed along with a newly

executed declaration.

### DISCUSSION

The declaration submitted on 05 July 2002 identifies Claudine Cartier as the legal representative of the estate of Jean Rene Cartier. In accord with 37 CFR 1.497(a)(3), the declaration identifies each inventor and the residence, country of citizenship and mailing address of each inventor. In addition, the declaration complies with 37 CFR 1.497(b)(2), which requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. In this case, Claudine Cartier is identified as the legal representative of a deceased inventor Jean Rene Cartier and indicates her citizenship, residency and mailing address.

Accordingly, it is appropriate to accord the application status under 37 CFR 1.42 as an acceptable declaration under 37 CFR 1.497(a) and (b), 37 CFR 1.64(b), and 37 CFR 1.42 has been submitted.

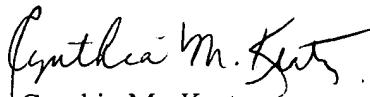
### CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 date is **05 July 2002**.



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